

# EXHIBIT 15

# **In the Matter of**

Case No.: 1:21-cv-08594-JHR

**ROSATI**

**v.**

**LONG ISLAND RAILROAD, et al.**

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**Continued Deposition of Michael Bendick**

*Thursday, November 9, 2023*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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STEVEN ROSATI, an individual,

Plaintiff,

-against-

Case No.

1:21-cv-08594-JHR

LONG ISLAND RAILROAD, METROPOLITAN  
TRANSIT AUTHORITY, and PATRICK J.  
FOYE, an individual,

Defendants.

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November 9, 2023

9:44 a.m.

Continued Remote Deposition of MICHAEL  
BENDICK, taken via Zoom pursuant to Adjournment  
before Lisa Hiesiger, a Shorthand Reporter and  
Notary Public within and for the State of New  
York.

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Also Present:

CONNOR G. SHEA, ESQ., Hoguet Newman Regal & Kenney  
JASON D. BARNES, ESQ., Metropolitan Transit  
Authority

PAUL WHITWORTH, ESQ., Metropolitan Transit  
Authority

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2 Q. And you're not a lawyer, correct?

3 A. Correct.

4 Q. Let's move down now just one moment,  
5 please, there were a series of social media posts  
6 in 2020 that Mr. Rosati made where it appeared  
7 that he may have been in his Long Island Railroad  
8 uniform, correct?

9 A. He was in Long Island Railroad  
10 uniform, and based on what we were able to  
11 observe and clearly see, he was on a train, a  
12 moving train in an operating cab. And in another  
13 case he was in one of our yard facilities by one  
14 of our buildings.

15 Q. In 2020 you reprimanded him about  
16 that, correct?

17 A. That's correct.

18 Q. So I want to be clear, in those  
19 social media posts that I'm talking about, was  
20 the issue that he was wearing his uniform, was  
21 the issue that he was on railroad property or was  
22 it both?

23 A. It was at the time, the most  
24 important thing to me was that he was utilizing  
25 an electronic device while working on a train,

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2 which you're not allowed to do as per the FRA, he  
3 was in uniform doing this, and it was a social  
4 media thing where other people could see it.  
5 That was my concern at the time.

6 Q. Understood.

7 A. Because he was in violation of the  
8 rules.

9 Q. Right. So what happened is you then  
10 spoke to him, right, you and Benjamin Gallup  
11 spoke to him about that, right?

12 A. That's correct. We brought him into  
13 Babylon yard and sat down with him and kind of  
14 gave him a verbal reprimand and told him to  
15 remove the stuff and stop doing it.

16 Q. This was a meeting at the Babylon  
17 train yard, that's a Long Island Railroad  
18 facility, correct?

19 A. That's correct.

20 Q. Do you know what date this meeting  
21 occurred?

22 A. I believe it was sometime in October.

23 Q. So this would have been October 2020,  
24 correct?

25 A. That's correct.

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Bendick

doesn't mean it's its own entity, we build on  
discipline.

Q. Understood, but the new discipline,  
the discipline for the social media posts and the  
okay hand gesture, that was a new instance of  
discipline that triggered only after the receipt  
of these anonymous complaints following the  
January 6th, 2021 capitol gathering, correct?

A. Yes.

Q. No further questions, thank you.

MS. HECHTKOPF: All right, thank you.

I guess we'll be in touch.

(Time noted: 12:51 p.m.)

\_\_\_\_\_  
  
Subscribed and sworn to  
before me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

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C E R T I F I C A T I O N

I, LISA HIESIGER, a Shorthand Reporter and  
Notary Public, within and for the State of New York,  
do hereby certify:

That I reported the proceedings in the  
within entitled matter, and that the within transcript  
is a true record of such proceedings.

I further certify that I am not related, by  
blood or marriage, to any of the parties in this  
matter and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 14th day of November, 2023.



LISA HIESIGER



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ERRATA SHEET

Name of Deponent: MICHAEL BENDICK

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[illegible]

Signature of Deponent

Subscribed and sworn before me  
this       day of       , 2023.

(Notary Public) My Commission Expires: \_\_\_\_\_